



SENATE LOCAL GOVERNMENT
EXHIBIT NO. 5
DATE 2-18-09
BILL NO. SB433

"Good Neighbor" Policy for Montana Gravel Operations

The following guidelines and conditions are based on the "Good Neighbor Policy" for gravel operations originally prepared by the Gallatin County Planning Department. It is understood that not all of these conditions will be applicable at every operation and that certain additional accommodations will be developed based on site-specific situations. Companies that are members of the MCA have agreed to adopt this policy for their current and future operations, and they strongly encourage all Montana gravel operations—both private and public—to do likewise. It is understood that this document is a work in progress and will refined and modified as situations dictate.

1. When seeking permits for new/expanded open cut mines or processing facilities, operators should make reasonable efforts to notify adjoining or nearby property owners, beyond what may be required by law if these neighbors may have reasonable concerns about the operation.
2. Prior to operating the sand and gravel mining operation, an approved Weed Management Plan for the site shall be obtained from the appropriate County Weed Control District. Notwithstanding the above, stockpiled topsoil and overburden berms shall be revegetated in accordance with the plan approved by the County Weed District.
3. Prior to commencing operation, a Traffic Impact Analysis may be required to determine the nature and extent of impacts of the operation on all federal, state or local transportation facilities. If warranted, operators may be required prior to commencement of operations to improve roads and other transportation infrastructure to mitigate impacts caused by the operation. Therefore, after issuance of a permit under the Opencut Mining Act and prior to commencing operations and issuance of any required encroachment permit onto any federal, state or county road, the Operators must enter into an agreement with the County and/or the Montana Department of Transportation that details the nature and extent of road and transportation improvements the operator will complete and the timing of those improvements. Operators should complete all required improvements within six (6) months of commencing operations.
4. Where applicable, the operator shall restrict the hours of operation to 7:00 a.m. – 7:00 p.m. Monday thru Friday. When exceptions to these hours are necessary to provide materials for extraordinary circumstances such as large or time-sensitive projects, the operator may notify and request the consent of both the Montana Department of Environmental Quality and the County Commission.

5. Trucks should avoid traveling through any school zones during the hours of 7:45 a.m. to 9:00 a.m., and 3:00 p.m. to 4:00 p.m., unless other routes are not available.
6. The use of jake brakes on hauling trucks is discouraged and should be avoided. If jake brakes are necessary in certain circumstances for public safety, they must be properly muffled in accordance with industry standards.
7. Any light used for the operation shall be directed in such a way as to be contained within the boundaries of the property and shall be hooded, screened or directed in a manner that minimizes impacts to the adjoining property owners or the neighborhood. Lights shall be extinguished at the close of business each day, with the exception of limited security lighting.
8. Gravel storage piles shall generally not exceed 30 feet in height, as visible above adjacent ground level.
9. No overnight residential use, camping, or evidence thereof, shall take place on the site.
10. The operator shall enforce safety measures, including preventing overfilled trucks, covering loads when required by law, education of truck drivers, and monitoring driver performance.
11. Dust abatement shall be performed consistently and conscientiously to minimize impacts to the surrounding properties and general air quality. Dust control will be monitored by onsite personnel during all hours of operation, and will be accomplished by the use of a combination of tarps, water, and spray bards. Fugitive dust from stockpiles and the site itself will be controlled through the use of sprinklers, water trucks and/or a combination of water and tactifier as needed.
12. The operator shall ensure a visual barrier made of natural materials reasonably screens adjacent property owners from activities in the gravel pit. Operators should store/park equipment in an orderly fashion in the least obtrusive manner as is practicable. Abandoned equipment should be sold or salvaged to minimize the "junkyard" appearance of the operation.
13. Fuel containment measures shall be utilized as required by the application to DEQ.
14. Drainage plans for the gravel operations shall be submitted to DEQ for prior approval.
15. Any federal, state or locally adopted Best Management Practices relating to roads and construction sites shall be strictly adhered to.
16. Where appropriate, when mining will occur in the water table, operators will complete a thorough hydrologic study of the site and immediate surrounding area. Upon completion of the study the operator, in conjunction with the DEQ Opencut Division, shall place monitor wells as required around the perimeter of the site. These wells will

be monitored and depths measured periodically and recorded on a data base that will be shared with DEQ. Wells will also be sampled before mining begins, and every six months, or as required by DEQ. When possible, these wells and the data base will be in place at least six months prior to any mining activity. All data collected within the jurisdiction of a County Local Water Quality District shall also be provided to the District.

17. The applicant shall obtain a letter from the local fire district or fire service area having jurisdiction stating all access, parking, fire suppression, and emergency evacuation plans are acceptable.
18. Blasting operations may only occur upon 24 hour written notice to all landowners within 2500 feet of the site.
19. Sound-dampening measures shall be implemented on appropriate equipment on site to minimize noise impacts.
20. Signage, approved by the Gallatin County Road and Bridge Department and/or the Montana Department of Transportation, shall be erected to alert vehicular and pedestrian traffic to the presence of heavy truck travel along all main travel routes within an appropriate distance from the site.
21. All parking areas for employee vehicles and company vehicles shall be provided onsite.
22. The applicant shall store hazardous materials such as motor vehicle fuels in a manner mandated by MSHA and the DEQ.
23. If a hearing on an application is required pursuant to Montana law, MDEQ shall conduct the hearing in the County.